UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,396	12/04/2001	Mark E. Epstein	5389.P001	9387

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EXAMINER
MADAMBA, GLENFORD J

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/005,396	EPSTEIN ET AL.
	Examiner	Art Unit	
	Glenford Madamba	2151	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>5/4/2005</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>40-47, 73-77, 85 and 86</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>40-47, 73-77, 85 and 86</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>04 December 2001</u> is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>7/15/02</u>

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to a Restriction Action from 4/4/2005.

2. Claims 1-39, 48-72, and 78-84 are withdrawn by election of restriction in a formal response from Applicant's representative.

3. Claims 40-47, 73-77, and 85-86 are pending in this Office Action.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 40, 43, 44-47, 73-77, and 85-86 are rejected under 35 U.S.C. 102(e) as being anticipated by Frailong et al (hereinafter Frailong), U.S. Patent 6,496,858.

3. As per Claim 40, Frailong discloses a control server (206) to manage a plurality of

   device configurations [Figure 2] comprising:

        a data store (508) to store current status of each device;

        a user interface (502) to alter data in the data store to prompt creation of a

   job;

        a scheduler (404) to schedule jobs to update devices [Figure 4];

        a control point interface (203/206) to send jobs to a control point (208), and to

        receive a result from the control point [Figure 2].

4. As per Claim 43, Frailong discloses the control server of claim 40, further

   comprising a device module to generate a job for a particular device [col 10. lines

   26-32; Figure 7].

5. As per Claim 44, Frailong discloses the control server of claim 43, wherein the

   device module comprises:

        a controller (404) to create data from a device profile; and

        a master to create a job (task scheduler) using the data produced by the

   controller [col 7, lines 34-53].

4. As per Claim 45, Frailong discloses the control server of claim 44, wherein the

   master further to determine whether to create a job [col 7, lines 34-53].

5. As per Claim 46, Frailong discloses the control server of claim 44, wherein the

device module further comprises:

   a template to create device configuration files (516); and

   a job to deliver changes to the device [col 9, lines 1-20; col 10, lines 3-16;

   Figure 6].

6. As per Claim 73 Frailong discloses a method of controlling a network using a control

server, the method comprising:

   maintaining a data store (508) including configurations of each device coupled to

the control server through a control point [Figure 2, 4 & 5];

   generating a job to update a device [Figure 6; col 9, lines 1-20];

   receiving a report from the control point regarding the execution of the job to

update the device [col 9, lines 55-58; col 10, line 60 – col 12, line 8] and

   storing in the data store (508) the report with the current configuration of the

device, such that a complete revision history of the device is maintained [col 10, lines

50-59 & col 11, lines 26-49].

7. As per Claim 74 Frailong discloses a method of Claim 73, wherein the revision

history of the device includes a previous device profile for that device, enabling a new

device to be configured identically to the original device, even if the new device is of a

different make [col 10, lines 50-59 & col 8, lines 40-67].

8. As per Claim 75 Frailong discloses the method of claim 73, wherein the revision

history of the device includes a previous device configuration file, enabling a review of

the state of the device at any point in the past [col 10, lines 50-59; col 8, lines 40-67 &

col 15, lines 10-15].

9. As per Claim 76, Frailong discloses the method of claim 73, wherein the revision

history includes time and date stamps for each alteration to a device [col 10, lines 50-

59; col 8, lines 40-67 & col 15, lines 10-15].

10. As per Claim 77, Frailong discloses the method of claim 73, wherein the job is

generated in response to a change in the data store [col 8, lines 62-67].

11. As per Claim 85, Frailong discloses a method of remotely manipulating a device

coupled to a control point, the control point managed by a control server, comprising:

    generating a job to manipulate the device [Figure 6; col 9, lines 1-20];

        sending the job to the control point to which the device is coupled [col 15, lines 1-

21; also Figures 6 & 7]; and

        providing an execution engine (406) to execute the job on the control point

[Figure 4].

12. As per Claim 86, Frailong discloses the method of claim 85, wherein manipulating

the device comprises one or more of the following: initializing the device, updating the

device, configuring the device, and auditing the device [col 2, lines 30-53 & col 11, line

33].

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frailong in

view of Zhang et al (hereinafter Zhang), U.S. Patent 6,687,748.

3. As per Claim 41, Frailong teaches in one embodiment that the update or upgrade

process consists of transmitting an upgrade package and three scripts (i.e., pre-install,

install, and post-install scripts), to implement the upgrade procedures. Frailong,

however, does not explicitly teach a control server wherein the user interface is a

command line interface (CLI) permitting the creation of action scripts to make complex

alterations to the devices, the control points, and the data store. Zhang, for his

invention, discloses a network management server for managing multiple network

devices coupled to a communication network, and teaches an interface (64) that

comprises a command line interface (CLI) that receives control commands (54) [Zhang: Figure 3; col 5, line 63 – col 6, line 1].

It would therefore be obvious to one of ordinary skill in the art at the time of the invention to combine/modify Frailong's invention with the features/teachings of a command line interface command, disclosed by Zhang to manage the overall operation of a communication device (script implementation) and for generating, communicating and/or responding to events, such as alarms [Zhang: col 6, lines 1-5].

4. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frailong in view of Petculescu et al (hereinafter Petculescu), U.S. Patent 6,898,603.

5. As per Claim 42, Frailong discloses a data store and a configuration database for the system, but does not explicitly disclose that the data store is an SQL database presented in a hierarchical fashion. Petculescu, however, discloses in his invention a local data store for describing cells in a multidimensional and relational database. He discloses that a server populates the local data store by reading data from a fact data store. Petculescu further discloses that the system is embodied using an SQL Server Database [Petculescu: col 6, lines 34-47]. It would therefore be obvious to one of ordinary skill in the art at the time of the invention to modify/combine the features/teachings of implementing a data store using an SQL database, as disclosed by Petculescu, to allow a user to specify and direct the insertion of data into a database cache [Petculescu: col 2, lines 9-11].

6. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frailong as

being obvious.

7. As per Claim 47, Frailong discloses the control server wherein, in one embodiment

an upgrade process involves a full upgrade of the system software residing in the

device. He further discloses that such an upgrade would be necessary when an *entirely*

new revision of the network interface device is made available to client networks [col 15,

lines 1-10].   Although not expressly implied, it would be obvious for the device profile

(device configuration files) to include the device module name and platform,

characteristic of the device with the revision information, as part of the upgrade process

in specifying how a particular client device needs to be configured [col 15, lines 10-15].

Conclusion

1. The Examiner has cited particular columns and line numbers in the references

applied to the claims above for the convenience of the applicant. Although the specified

citations are representative of the teachings of the art and are applied to specific

limitations within the individual claim, other passages and figures may apply as well. It

is respectfully requested from the applicant in preparing responses, to fully consider the

references in entirety as potentially teaching all or part of the claimed invention, as well

as the context of the passage as taught by the prior art or disclosed by the Examiner.

2. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- Wookey,   US Patent No. 6,151,683
- Gu,   US Patent No. 6,892,230
- Conrad,   US Patent No. 6,892,236
- Adachi,   US Patent No. 6,829,474

3. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Glenford Madamba whose telephone number is 571-

272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung can be reached on 571-272-3932. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Glenford Madamba
Examiner
Art Unit 2151

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER